

1 U.S. DISTRICT JUDGE RICHARD A. JONES  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRADLEY J. SEHMEL, )  
Plaintiff, ) CIVIL NO. 3:20-cv-05328-RAJ  
vs. )  
COMMISSIONER OF SOCIAL SECURITY, )  
Defendant )

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on December 1, 2020 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9<sup>th</sup> Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing

ORDER FOR EAJA FEES - 1

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party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion and awards Plaintiff \$5,947.20 in attorney's fees, subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney: David Oliver & Associates, 2608 South 47<sup>th</sup> Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratiff*, award shall be payable to Plaintiff's attorneys, David Oliver & Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government through the Federal Treasury Offset program.

For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;

DATED this 12th day of March , 2021.

Richard D. Jones

The Honorable Richard A. Jones  
United States District Judge

## ORDER FOR EAJA FEES - 2

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